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**APR 17 2009**

**OFFICE OF PETITIONS**

In re Application of :  
D. Scott Jorgenson :  
Application No. 09/844,381 : **DECISION ON PETITION**  
Filed: April 27, 2001 :  
Attorney Docket No. 10005476-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed October 12, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 13, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of \$500.00; (2) the petition fee of \$1500.00; and (3) a proper statement of unintentional delay.

Additionally, it is noted that petitioner has filed an Appeal Brief and \$500.00 fee on August 8, 2007.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 2155 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions